IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

***O R D E R***

S.B. CIVIL WRIT PETITION NO. 5095/1997

*DR. ANIL PATHAK*
*Vs.*
*THE ENGINEERING COLLEGE SOCIETY, KOTA & ANR.*

Date: 07.12.2006.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. R.C. Joshi for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The short controversy in this writ petition is that the extraordinary leave as service/experience for granting senior/selection scale has not been considered.

It is not disputed that vide Ex.6 dated 05.01.87, the petitioner was sanctioned extraordinary leave for two years to pursue his studies for scientific investigation to be carried out at the Department of Applied Mathematics and Theoretical Physics, Queen's University of Belfast, Northern Ireland (U.K.) on the condition of production of a personal surety bond of Rs. 7,000/- for a period of one academic session. The petitioner studied for two years

in the Queen's University of Belfast, Northern Ireland (U.K.).

The controversy arose when this period of two years has not been considered for selection grade. As per Item No.12 of the Notification dated 03.04.93 (Ex.16) issued by the Finance (Gr.2) Department, Government of Rajasthan, “period during which a Government servant remained/remains on extra-ordinary leave with or without medical certificate shall be counted for reckoning the period of service for grant of Selection Grade.”

It is not disputed that the extraordinary leave was granted on the condition of furnishing a personal surety bond of Rs. 7,000/- and the petitioner undergone the studies for two years at Queen's University of Belfast, Northern Ireland (U.K.). Thus, the petitioner is only entitled to get the benefit of selection scale as per the Notification dated 03.04.93, if the Queen's University of Belfast, Northern Ireland (U.K.) is recognised in India.

Therefore, the respondents are directed to consider the case of the petitioner and if the degree awarded by the Queen's University of Belfast, Northern Ireland (U.K.) is recognised, he may be given the benefit of selection scale considering the experience

period during which the petitioner remained on extraordinary leave for further studies.

With the aforesaid observations, the writ petition stands disposed of.

**(K.S. RATHORE),J.**

/KKC/